

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHN EARL JOHNSON,

Plaintiff,

vs

9:04-CV-57

JOSEPH GUIFFERY; JOHN PECORA, Administrator;
and C.P.C.R. COUNCIL,

Defendants.

APPEARANCES:

OF COUNSEL:

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DAVID N. HURD
United States District Judge

ORDER

Plaintiff, John Earl Johnson, brought this civil rights action pursuant to 42 U.S.C. § 1983. In a Report Recommendation dated May 17, 2005, the Honorable David E. Peebles, United States Magistrate Judge, recommended, that defendant CPCRC's motion to dismiss

plaintiff's claims against that entity be granted and plaintiff's complaint be dismissed as against that defendant with leave to replead to assert claims against its members, individually; and that plaintiff's motion for summary judgment finding liability on his various claims against defendant Sergeant Guiffrie be denied. Timely objections have been filed by the plaintiff.

Based upon a de novo determination of the portions of the Report-Recommendation to which the plaintiff has objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1). Accordingly, it is

ORDERED that

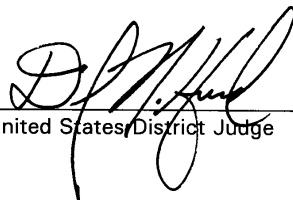
1. The defendant CPCr's motion to dismiss plaintiff's claims against that entity is GRANTED;

2. Plaintiff's complaint is DISMISSED as against defendant CPCr with leave to replead to assert claims against its members, individually; and

3. Plaintiff's motion for summary judgment finding liability on his various claims against defendant Sergeant Guiffrie is DENIED.

The Clerk is directed to file judgment accordingly.

IT IS SO ORDERED.


United States District Judge

Dated: December 7, 2005
Utica, New York.